

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANDREW RAMSAY KNOX,
ROBERT GORDON HARPER and ANDREW LIAM MASSEY

MAILED

AUG 18 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Appeal No. 2005-1944
Application 09/477,389

ON BRIEF

Before THOMAS, BLANKENSHIP, and SAADAT, Administrative Patent Judges.

THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellants have appealed to the Board from the examiner's final rejection of claims 1 through 4.

Independent claim 1 is reproduced below:

1. A data processing network comprising:
a server computer system;

a portable client computer system capable of wirelessly communicating with said server computer system;

a control means, connected to said server computer system, for issuing a wake-up request to said portable client computer system via a wireless connection to switch said portable client computer system to a normal operating state from a low-power or off state, and for issuing a request to said portable client computer system via said wireless connection to disable said portable client computer system; and

a network adapter, connected to said portable client computer system, for disabling said portable client computer system from further operations in response to said request.

The following references are relied on by the examiner:

Spicer	6,097,760	Aug. 1, 2000
Connery et al. (Connery)	6,311,276	(filed Dec. 15, 1997) Oct. 30, 2001
Angelo et al. (Angelo)	6,418,533	(filed Aug. 25, 1998) July 9, 2002 (filed Aug. 29, 1997)

Claims 1 through 4 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner relies upon Connery in view of Angelo as to claims 1, 2 and 4, with the addition of Spicer as to claim 3.

Rather than repeat the positions of the appellants and the examiner, reference is made to the Brief and Reply Brief for appellants' positions, and to the Answer for the examiner's positions.

OPINION

For the reasons set forth by the examiner in the Answer, as embellished upon here, we sustain the rejections of all claims on appeal under 35 U.S.C. § 103. As indicated at the bottom of page 4 of the principal Brief on appeal, appellants have indicated that all claims fall together. The Brief and Reply Brief present no arguments as to dependent claims 2 and 4 rejected in the first stated rejection and also as to dependent claim 3 rejected in the second stated rejection. Additionally, and significantly, appellants have not argued before us in the Brief or Reply Brief that the applied prior art is not properly combinable within 35 U.S.C. § 103 as reasoned by the examiner in the Answer.

As reasoned by the examiner, Connery teaches all features of independent claim 1 on appeal except for the wireless feature that the communication between the server and the client is wireless and that the request is issued via a wireless connection. We agree with this view and simply make note that in the reasoning of the examiner, Angelo plainly teaches that in a corresponding environment, wireless abilities were known in the art.

In accordance with one embodiment of the disclosed invention and to the extent claimed, Connery teaches a Wake On LAN packet protocol in an extensible mechanism provided for allowing other commands and options to be specified within this packet structure which is described at column 1 of Connery as being known in the art including the characterization of the proprietary designation of a "Magic Packet" approach. This extensibility is taught extensively in the Abstract at lines 1-4; column 1, lines 1-11 and 65-67; the showing in Figure 6 and the discussion at column 7, lines 17-25, in addition to the discussion beginning at column 12, lines 50-54, and again at line 66 to the end of the patent.

In accordance with the subject matter of the control means clause of independent claim 1 on appeal, it includes the ability of the central station or server to issue a disable request to a network adapter associated with a portable client computer. The examiner persuasively argues that this concept of disabling is taught in Connery. We make note of the teaching in the summary at column 2, lines 1-11, which plainly teaches the ability of the additional, extensible, new commands to include the ability of remote power down and remote reset command

protocols. The overall Wake On LAN protocol approach is depicted in Figures 1-3, including the showing of the network management station 21 in Figure 1 to issue the commands to the respective end stations 10-12 which receive these issued commands, from network management station 21 through the end stations respective secure Wake On LAN NICs, which are the network interface cards depicted in Figures 2 and 3.

The examiner rightly emphasizes as well the teachings at column 5 of Connery. The so-called Green personal computers are well known in the art to have a power management circuit 30 depicted in Figure 2 which allows for personal computers to go completely asleep or otherwise disable them and render them without power or to go to various other levels of reduced functionality and power consumption depending on particular environments of the device. These types of computers are coupled with the secure Wake On LAN interface card 31 according to Connery's teachings, thus essentially guaranteeing that the control means and the network adapter of claim 1 on appeal are both taught since a remote computer cannot be able to receive through its network adapter commands which are not correspondingly issued by a control means of some kind in a

master or network type computer such as element 21 in Figure 1 of Connery. Moreover, the specific resetting function is discussed at column 5, lines 47-55. Of special note as well is the teaching at column 6, lines 9-13, and the showing of a disable Wake On LAN capability element 59 at the bottom of Figure 3 which essentially is the capability to turn off the Wake On LAN function which, in effect, amounts to another disable functioning approach to the extent broadly recited in claim 1 on appeal.

For his part, Angelo plainly teaches of a corresponding environment to avoid theft of computer-based equipment where it indicates in the Abstract a "computer security system whereby access is controlled by remote enablement or disablement." Communications occur through radio frequency, that is, telephone and/or satellite transmissions to the extent that the claims on appeal broadly recite the wireless capability. This radio frequency receivability feature is always on as emphasized in the teachings at columns 3 and 4. As discussed there and shown in Figure 1A, the entire system may be completely disabled in step 115 to the extent various conditions have not been rightly met such as if the portable computer has been stolen. Thus, from an artisan's perspective, the teachings in Angelo clearly dovetail

and expand upon the disabling capabilities the examiner has argued and with which we agree are already taught in Connery.

It should be apparent to the reader that we totally disagree, as does the examiner, with appellants' initial urging at page 5 of the principal Brief on Appeal that Connery does not teach or suggest the claimed control means effective for disabling portable client computer systems. As emphasized by the examiner, the power management capability 30 in Figure 2 is a part of the end stations but must require a corresponding control means in the network management station 21 as claimed to effect the operation thereof as generally taught in Connery.

As to appellants' second urging at page 6 of the principal Brief, the examiner's and our discussion earlier in this opinion make clear that, from the artisan's perspective, both Connery and Angelo do teach or suggest a claimed network adapter that is capable of effecting a disabling operation of a remote computer.

As to the third argument at page 7 of the principal Brief, our position and the examiner's makes clear that we have

considered the claimed control means and adapter means located at different computer systems, as the art so teaches.

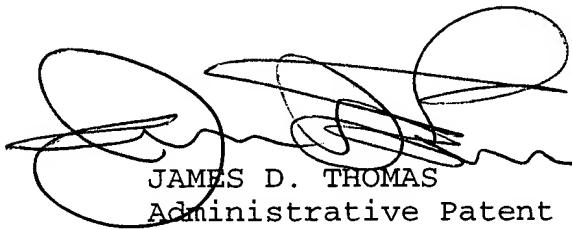
As to the argument at the top of page 2 of the Reply Brief, Connery does indicate that according to the teachings relative to the so-called Green computers and the use of the power management circuit 30 in Figure 2 of Connery in the end station's computers, there is no conflict between the examiner's use of the low power or off state and the teachings of a disability concept according to Connery's own teachings relative to the extensibility of the Wake On LAN packet protocol approach. As to the final remark at the bottom of page 2 of the Reply Brief, the mere fact that Connery does not explicitly use the word "disable" does not necessarily mean that Connery does not teach or suggest the concept of disablement to the extent broadly recited in independent claim 1 on appeal.

In view of the foregoing, the decision of the examiner rejecting claims 1 through 4 under 35 U.S.C. § 103 is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED



JAMES D. THOMAS
Administrative Patent Judge

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